UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

August 7, 2007

Reply To
Attn Of: ETPA-088

Ref: 06-018-AFS

Kevin D. Martin, Forest Supervisor
Umatilla National Forest
2517 SW Hailey Avenue
Pendleton, OR 97801

Dear Mr. Martin:

The U.S. Environmental Protection Agency (EPA) has reviewed the draft Environmental Impact Statement (EIS) for the proposed **Invasive Plant Treatment** project on Umatilla National Forest (UNF or Forest) in Asotin, Columbia, Garfield, Walla Walla Counties in Washington and Grant, Morrow, Umatilla, Union, Wallowa, Wheeler Counties in Oregon. Our review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we also evaluate the document's adequacy in meeting NEPA requirements.

The draft EIS assesses the impacts of a proposal to use integrated weed management strategies to control, contain, or eradicate invasive plants across UNF. Nearly 25,000 acres of the Forest are now infested with invasive plants, which are displacing native plants, destabilizing streams, reducing the quality of fish and wildlife habitat, and degrading natural areas within and adjacent to the Forest. The Forest Service (FS) therefore needs to treat the invasive plants safely and effectively and restore treated sites to improve forest health and to severely limit the spread of such plants on the Forest and surrounding areas. Before the proposed invasive plant treatment program can be implemented, however, the FS developed and analyzed the following four alternative actions, A through D, to evaluate what environmental effects, if any, would be associated with the proposed project.

A. **No action.** Under this alternative, the FS would continue current invasive plant treatments without change. Since no new invasive plant treatments would be approved, invasive species infestation would continue to spread at the current annual rate of 8-12%, and their impacts to forest and other resources would continue to increase. Current treatments are limited to manual or mechanical methods prior to any herbicide use. Approved herbicides are limited to Glyphosate and Picloram that can only be applied using spot or ground based broadcast methods.

B. **Proposed and Preferred action.** Under this Alternative, the FS would treat existing

and new invasive plant infestations using a combination of methods, including physical (manual, mechanical, and cultural); biological; and chemical (spot spray, wicking, stem injection, and hand, boom and aerial broadcasts). The treatments would be used based on priority plant species and site location, and would be adjusted based on management objectives. This Alternative would also include each treatment decision tree and Project Design Features (PDFs) for each treatment site to set conditions and requirements that the activities must meet to avoid and reduce potential effects on resources. The PDFs include both prevention and restoration standards (p. 50).

C. The features of this Alternative would be the same as Alternative B, with the exception that there would be no broadcast application of herbicides in riparian areas. Although Alternative C would minimize herbicide drift into terrestrial and aquatic ecosystems, thus protecting human health; it would increase treatment costs and decrease treatment effectiveness.

D. Under this Alternative, there would be no aerial applications of herbicides. Other than this limitation, all other features of Alternative D would be the same as in Alternative B and C. Alternative D would result in minimal herbicide drift into terrestrial and aquatic ecosystems, thus enhancing human health protection. Under this Alternative, the cost of invasive plant treatments would also increase substantially and the treatments would be ineffective. Some sites would not be treated due to accessibility and safety issues.

The above three Alternative actions, B, C and D, are essentially the same, with the exception of disallowing broadcast and aerial spraying of herbicides under Alternative C and D, respectively. While these omissions would reduce herbicide drift impacts to both terrestrial and aquatic ecosystems, the remaining treatments under each Alternative (C and D) would decrease treatment effectiveness and increase treatment cost. Because broadcast and aerial spraying of herbicides would be allowed under Alternative B, the FS believes that the proposed invasive plant treatments under Alternative B would be most aggressive in managing weeds on the Forest, be up to 80% effective, less costly, and would result in the least adverse effects to human health and the environment.

EPA understands the risks invasive plants may pose to resources within the Forest, if these were not treated. Thus, we appreciate FS planning efforts for this project, especially the incorporation of Integrated Pest Management (IPM) principles in the Preferred Alternative and consideration of public scoping comments in the development of this EIS. We promote IPM strategy because it is a prudent approach to understanding and dealing with environmental concerns that may result from invasive plant treatments. The IPM approach does not blindly embrace new technology nor does it reject technology. Instead, the strategy promotes a thoughtful awareness of the pest management inherent in natural systems through an understanding of pest life cycles, and through the use of beneficial organisms, cultural modifications, physical barriers and other mechanical controls. IPM does not rule out judicious use of herbicides.

In general, we agree with the proposed invasive plant treatments identified in the Preferred Alternative and which are put forward to improve resource conditions in the project area. However, we are concerned about the project's potential to further degrade water quality within a number of water bodies that are already on 303(d) list due primarily to temperature and sediment loads exceedances and other water quality criteria. We recommend that the FS continue to work with Oregon Department of Environmental Quality (ODEQ) and Washington State Department of Ecology (Ecology) to assure that each state's water quality standards will be met. The FS should also work with the Confederated Tribes of the Warm Springs and the Umatilla Indian Reservations to assure that tribal water quality standards are met. The final EIS should include additional information as explained in our comments that follow.

Water quality

Water quality degradation is one of EPA's primary concerns. Section 303(d) of the Clean Water Act (CWA) requires the States of Oregon and Washington and Tribes with approved water quality standards to identify water bodies that do not meet water quality standards and to develop water quality restoration plans to meet established water quality criteria and associated designated uses. The draft EIS must disclose which waters may be impacted by the project, the nature of potential impacts, and specific pollutants likely to impact those waters. It should also report those water bodies potentially affected by the project that are listed on each of the States' and Tribes' most current EPA approved 303(d) list.

The draft EIS identifies impaired waters in the Project area (p. 204) and indicates that only two Sub-basin level Total Maximum Daily Loads (TMDLs) have been completed for 303(d) listed water bodies partially located on the Forest. We noted that the Oregon State's EPA-approved 2002 303(d) list and Washington State's EPA-approved 2004 303(d) list referred to in the draft EIS (p. 203) are outdated. The most current 303(d) lists approved by EPA are the 2004 list for the State of Oregon and 2006 for Washington State. We recommend that the final EIS include information from the most current 303(d) lists, note any differences between the old and new 303(d) lists for relevant parameters and water bodies in the project area, and discuss analyses and conclusions that may be affected by the more recent information.

The analyses presented in the draft EIS indicate that waters within various parts of the project area do not currently meet Oregon and Washington State water quality criteria, especially temperature and sediment (9 creeks) in OR and temperature (2 creeks) in WA (p. 204). Planned activities under the Preferred Alternative (Alternative B), such as vegetation removal could further degrade water quality with respect to these parameters, especially where treatments would occur within 15 ft. of 303(d) listed waters (p. 79). In drier areas, manual and mechanical/physical removal of weeds could result in increased sediment delivery until sites are seeded and vegetation is re-established. When roads, prescribed fire and livestock management activities are added to invasive plant treatments, cumulative sediment delivery, temperature, and other impacts to water quality could also be significant.

Although there are no TMDLs for individual 303(d) listed streams in the project area, we recognize that ODEQ and FS have made significant progress in reaching agreement on working cooperatively to meet State and Federal water quality rules and regulations (Memorandum of Understanding (MOU), 2002). EPA supports decisions that have been reached between the two

agencies, especially the FS commitment to manage National Forest System lands to protect, restore and maintain water quality so that Federal and state water quality laws and regulations are met or exceeded to support designated uses. Further, we recommend that the FS continue to coordinate with ODEQ and Ecology as water quality restoration plans, including TMDLs for individual streams are developed and implemented to meet water quality standards. The final EIS should therefore include information regarding agreements in the 2002 MOU and any recent amendments thereof to inform the public of specific actions that will be taken to address 303(d) listed waters and anti-degradation measures for waterbodies where water quality standards are currently met. Also, it is not clear in the draft EIS how weeds found within planned buffers around waterways would be treated.

Tribal water quality and consultations

The proposed project has the potential to impact the Confederated Tribes of the Warm Springs, Umatilla, and Nez Perce Indian Reservations' resources as described in the draft EIS (p. 357-359), including waterways associated with their lands. As a result, activities occurring within the Umatilla National Forest, such as the proposed action, may influence water quality within such waterways (lakes, rivers, and streams) that serve as sources of drinking water or as sacred places for tribes. Examples of waterbodies associated with tribal lands include the Columbia, Grande Ronde and John Day Rivers. Although not discussed in the draft EIS, some of these water bodies may not be meeting current Confederated Tribes of the Warm Springs and the Umatilla Reservations' water quality standards, which were approved by EPA. The final EIS should include a discussion of how these Tribes' water quality standards would be met and how water quality issues related to the Nez Perce Tribe were addressed during FS consultations with this particular Tribe.

Executive Order (EO) 13175 (*Consultation and Coordination with Indian Tribal Governments)* requires agencies of the U.S. government "to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, trust resources, and Indian tribal treaty and other rights."

Aquatic Invasives

The draft EIS invasive plant inventory did not document the existence of aquatic invaders. As a result, the document does not address invasive plants floating or submerged in water. Because aquatic invasives are an emerging issue on National Forest land and elsewhere, EPA encourages the FS to include at-risk water bodies (such as those used for recreational purposes) in future monitoring and inventory efforts. If there are infestations of aquatic invasive plants (floating or submerged in water) on the Forest, we recommend that the final EIS include information about such infestations and how they would be treated to prevent deterioration of water quality within waterbodies found on the Forest.

Because of concerns about water quality and missing information, we have assigned a rating of EC-2 (Environmental Concerns – Adequate) to the draft EIS. This rating and a summary of our comments will be published in the *Federal Register*. For your reference, a copy of our rating system used in conducting our review is enclosed.

If you have questions or would like to discuss these comments, please contact me at

206-553-1601 or Theo Mbabaliye at 206-553-6322. Thank you for the opportunity to provide these comments.

Sincerely,

/s/

Christine B. Reichgott, Manager
NEPA Review Unit

Enclosures

cc:

EPA Oregon Operations Office
EPA Washington Operations Office
Confederated Tribes of Warm Springs
Confederated Tribes of Umatilla
The Nez Perce Tribe of Indians